

1894-012
Lee Co.

Chancery Causes: George McMillan & Co] vs. W. C. Herndon & Co

McMillan, George, Treadwell, Parsons, Woodward, Stapleton, Pennington

CA-Debt

T-Property

* And on the day of 1893 W.P. Wood who filed the note of the said W.C. & Co. E. Hudson for the sum of \$41.46 & dated Aug 5th 1893, Tdun Dec. 1st 1893 assigned the same for value consideration to your orator. The same note which is here filed marked "Mole" & prayed to be taken in part of this bill.

To the Hon. H. S. K. Morrison Judge
of the Circuit Court for S.C.

Humbly Claiming, your orators
S. H. George, John A. McMillan and
A. M. Snadwell merchants trading
under the partnership name and
style of George McMillan & Company
respectfully represent unto your
Honor that at his special instance
and request on the day of July
1893, in the City of Knoxville, they
sold and delivered to H. C. Herndon,
who was then doing a mercantile
business in Six Aunty, Tⁿ., a quanti-
ty of goods, wares and merchandise
amounting in the aggregate to the
sum of \$98.20; that again on the
30th day of October, 1893 at his spe-
cial instance and request your ora-
tors sold and delivered another quan-
tity of goods, wares and merchan-
dise to said Herndon amounting
to the sum of \$62.70; that said first
named sum of money became due
your orators on the day of
1893 and the last named sum will
become due and payable on the 30th
day of December, 1893; that all of said
goods, wares and merchandise were
shipped to said Herndon to the Sta-
tion at Farmington Gap, Tⁿ., as he di-
rected * that at the time your ora-

tons sold said Herndon said goods,
& at the time said Wood arranged said ^{state for 4140} wares & merchandise, the records
of the County Court of Lee County, Va.
show him to be and he represented
himself to be the owner in fee of a
large quantity of land lying and be-
ing in Lee County in the Pocket and
Crab Orchard Country and he was
then in the possession of the same
using, occupying and claiming it
as his own.

Your orators will further show
unto your honor that the said last
named bill of goods, together with
all the goods he had on hands, and
also goods purchased and shipped
about the same ~~from~~ other
merchants and a large number
of Cattle were ^{in 1893} turned over by
said Herndon to his brother John
P. Herndon and his father Sarker
Herndon who are now in the posses-
sion of the same seeing and dispos-
ing of them; that said John P. & Sarker
Herndon allege they bought said goods,
and Cattle on debts which said
W.C. Herndon owed them. Your ora-
tors do ~~not~~ not believe this to be
a bona fide, fair and honest trans-
action, but a transaction made
and entered into with the intent to

hinder, delay and defraud the Creditors of said W.C. Herndon and they so allege it, and that said John P. and Larkin Herndon colluded with said W.C. Herndon to defraud his creditors.

Your orators will again show unto your honor that at the time they sold said goods to said W.C. Herndon they believed him to be the true and only owner of these tracts of land conveyed by Larkin Herndon and John B. Pennington. Tobias Hughes, the heir of Charles Pennington died and John C. Stapleton the deeds of these parties then being on record in the County Court Clerk's office and said Herndon being in the possession of the same; Copies of which deeds are here filed marked "A" "B" "C".

Your orators will again show unto your honor, that both of said sums of money are yet due and unpaid; that on or about the 10th of Nov., 1893 said W.C. Herndon absconded this state taking with him it is said some of his effects; that on the 10th day of Nov. 1893 one David P. Parsons lodged & had put on record in the County Court Clerk's office ^{of this County} a deed from said Herndon & wife dated &c.

knownedged on March 14th 1893,
Conveying all his said land to said
Parsons in consideration of \$5000⁰⁰
in hand paid, that lies on the north-
ern side of the north fork of Powder
river except the Stapleton tract.
At the time they sold said goods to
said Thurmond they had no notice
whatever of the existence of said
debt, the same not being ^{but} of record
until after their said debts were made
with said Thurmond. They are advised
that said debt as to them is void.

Your orators will further
show unto your honor that on
said Thurmond's land that lies on the
Southern side of said river on Nov.
10th 1893 he executed a paper
which on the same day was recorded
purporting to give one J^m Woodward
a lien for \$675⁰⁰. Your orators al-
lege that this lien was without
a consideration deemed valuable
in law and was made to defraud
hinder and delay the creditors of
said Thurmond in the collection
of their debts.

The premises considered your
orators are advised that on proof
that said lien of \$675⁰⁰ attempted to be
made is without a valid considera-
tion is void as to your orators, that

likewise the transaction between
said H. C. Hudson and John P. &
Larkin Hudson is void, and that
said deed of March 14th 1893 is
as to your orators void.

The prayer therefore of your
orators is that H. C. Hudson,
John P. Hudson, Larkin Hudson
David P. Parsons and ^{John C. Stapleton} H. Woodward and
^{Opthia E. Veruloei, Defendant} be made parties to this bill; that they
each be required to answer fully &
completely this bill on oath; that
H. Woodward answer for what said
H. C. Hudson owed him, the amount
thereof and where he got the money
or its equivalent to let him have;
that David P. Parsons also an-
swer when and how he paid said
H. C. Hudson said \$5000⁰⁰, where
he got his money or its equivalent
with which to pay said Hudson said
\$5000⁰⁰; the affidavit having been
made and here filed marked "Affi-
davit" in the manner required by
section 2964 of Code of 1887, your
orators further prayer is that said
real estate or enough thereof be
attached and held subject to future
orders of the Court; that all of said
fraudulent transactions be annulled
and set aside; that said John P. and
Larkin Hudson answer what the

invoice of all goods turned over to
- them amounted to, what the price was
they agreed to pay for said cattle and
feed and when they paid for the same,
that on a final hearing of this
Cause a judgement be granted
your orator for said sums of money
that said debt to said Parsons be
annulled and the land attempted
to be conveyed thereby be made subject
to their said debt. And that an
order of Publication be made as the
law requires against said H. C. Henderson
+ Cynthia H. Henderson
who are now residents of this State.

And that all other, further and
general relief be granted your
orator as the nature of this Cause
may require. There are no liens
on any of said land other than that
of said Woodward and that re-
served in said Stapleton ^{which} has
long ago been paid. And they
will ever pray &c. May justice
issue &c

Pennington Brog
per J.

1st Jan'y. 1894

George. McMillan & Co
vs Billie Chan

W. C. Herndon et al

1894 1st Jan'y Rules Bill
filed Sp. in D. on home depts and Pub
for nonresidents and D. N vs Home depts
" 2nd Jan R - D. N for home depts confd
" 1st Feb'y Rules Court for Ord. Pub
" 2nd " " Ord. Pub. Compell'd + 3rd. for
hearing by Plff
June Term Decree & costs

C 894
S 250
W. M. 250
R. P. 75-
Printer 500
Co C 575-
Atty 18-00,
\$40.44

Defts Costs
C 160

Hamington Bros. & Co



41 ⁴⁰/₁₀₀

Aug 5th 1893

By see 1st / 893 after date ^{we} I promise to pay to the order of **W. P. Wood**

Forty One Dollars and Forty Cents, for

value received, and I hereby waive the benefit of our Homestead and personal property

exemptions as to this debt. Witness our hand ^s and seal.^s

W. C. Herndon SEAL.

W. C. Herndon SEAL.

For valuable consid-
eration I assign
the within note to
George. M^c. Miller, & Co
N. P. Road

"Note"

State of Tennessee, County of Knox.

Personally appeared before the undersigned, a Notary Public in and for said County,
duly commissioned and sworn Charles W. Inby

to me well known, and made oath in due form of law, that the within account against

W. C. Herndon
amounting to One hundred and Sixty one ⁴⁰/₁₀₀ Dollars,

is justly due George McMillan & Co. with interest on \$98.20 from Nov 1st 1893
* and a/c 2.70 from Dec 30, 1893 of which firm he is Book-keeper

to which the said W. C. Herndon after the allowance of all credits
he verily believes. are entitled as

Subscribed and sworn to before me this 18th day
of November 1893

[SEAL.]

Charles W. Inby
Notary Public.

98.20
62.70

S. H. GEORGE,
JOHN A. McMILLAN,
A. M. TREADWELL.

Knoxville, Tenn.

July 11

1893

Wm C Herndon & Co

Cynthia Va

TERMS:
10 Days, less 6%.
30 Days, less 5%.

Interest Charged After Maturity.

Bought of GEORGE, McMILLAN & CO.

WHOLESALE

NOTIONS AND GENTS' FURNISHING GOODS,

GAY STREET.

Shipped Via

172	3	g	Pants	9 ⁰⁰	27		
350	2	g		12 ⁰⁰	24		
5206	1				15		
	4		Kenig Thread 200 yds	25	1		
	4		" 500	50	2		
	10		Parker Bros.	18	180		
	1		Barbours		40		
	1		Lenen 200 yds		75		
	1		Serrey Silk		45		
	10		Spool Thread	45	450		
	4		1/2 hose	40	160		
504	3		"	65	195		
Premium	3		"	75	225		
410	1		"		75		
777	3		"	1 ²⁵	375		
	1 1/2		Hair Pins	60	115		
380	1		Ido hose		75		
808	1		"		75		
	1		Gn Dress Buttons		75		
	1		Coat		50		
3211	1	g	Suspenders		2		
1274	1		Shirts		450		
			Box Dray		60	98	20

October 30 1893

400	1/2	g	Laund. Shirts	9 ⁰⁰	450		
300	1 1/2		"	6 ⁵⁰	975		
700	1/2		"	9 ⁰⁰	450		
500	1/2		"	9 ⁰⁰	450		
204	1		oshirts		6		
536	1		"		4		
107	1		"		250		
1250	1		"		6		
1304	1		"		9		
23	2		undershirts	35 ⁰⁰	70		
BS	1		"		2		
5B930	1		Braces		6		
600	1		Ido hose		2		
8743	1		Hose		75	62	70
			Box Dray			160	70
			Notary fee			50	
						161	40

Geary M^o Miller & Co
vs. } Verified Account-
H. C. Hendon
8/6/40

To the Honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of John P. Herndon to a bill in chancery exhibited against him and others in this honorable court by S. H. George, John A. McMillan and A.M. Treadwell, partners trading under the name and style of George McMillan & Co.

Respondent says that the complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his answer to a bill in chancery exhibited against him in this honorable court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Cowan McCune & Co., and he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co, all of which causes are still pending in this honorable court, and all have a common purpose with the bill filed by complainants, and contain almost identically the same allegations except as to the amount claimed, and are all against identically the same persons. Respondent refers to said answers and adopts them as a part of this his answer in this case, and asks that they may be treated as such. And now having answered said bill as fully as he is advised it is material that he should answer it he prays to be hence dismissed with his costs &c.

Duncan K. Hyatt p.d.

*Sworn to before me this the 5th day of March 1894
by John P. Herndon*

A.B. Munsey Clerk

Ob

V.C. Herndon et als.

Separate answer and
Ads. Demurrer of John P.
Herndon, one of the
defendants.

George McMillan & Co.

Duncan & Hyatt, p.d.

*Filed in open court March
the 9th 1894*

Attest Munsey clerk

Repeared and the complaint is still in not sufficient in

H. George, John A. McMillan and A. J. P. Herndon, partners, under the
company exhibited against him and others in this honorable court by G.
The separate answer and demurrer of John P. Herndon to a bill in
County, Wisconsin.

To the Honorable H. B. A. Herndon, Judge of the Circuit Court of the

To the honorable H.S.K. Morrison, Judge of the Circuit Court of Lee County, Virginia:

The separate answer and demurrer of Larkin Herndon, to a bill in chancery exhibited against him and others in this honorable court by S. H. George, John A. McMillan and A.M. Treadwell, partners trading under the name and style of George McMillan & Co.

Respondent says that the complainant's bill is not sufficient in law to call upon him to answer it in this honorable court, but that there is good cause of demurrer thereto, and he demurs accordingly, and prays judgement of his said demurrer. And not waiving said demurrer but relying and insisting thereon, should other and further answer be required of him answering he says:

That he has filed his answer to a bill exhibited against him and others in this court by Powers Little & Co., he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Cowan McClung & Co., and he has also filed his answer to a bill in chancery exhibited against him and others in this honorable court by Berry Gilliam & Co., all of which causes are still pending in this honorable court, all have a common purpose with the bill filed by complainants and contain almost identically the same allegations except as to the amount claimed, and are against identically the same persons. Respondent refers to said answers and adopts them as a part of his answer in this case, and asks that they may be treated as such. And now having fully answered complainants bill, or as fully as deemed material he should answer, he prays to be hence ~~to be~~ dismissed with his costs. &c.

Duncan & Syatt, p.d.

*Sworn to before me this the 8th day of March 1894
by Larkin Herndon*

A.B. Munsey Clerk

W.C. Herndon et als.

Separate answer and
Advs. of Larkin Herndon one of the defend-
ants.

George McMillan & Co.

Duncan & Hvatt, p.d.

*Filed in open court March 9
1894
A.B. Murrey Clerk*

name and style of George McMillan & Co.
H. George, John A. McMillan and A.M. Thomsen, plaintiffs against the
defendants exhibited and filed with and signed to the honorable court by G.
The respective answer and demurrer of Larkin Herndon, do a bill in
conjunction therewith:

To the honorable H.S. G. Herndon, judge of the Circuit Court of the

George, W. M. Millan & Co. Compt's

vs. } In Chancery

W. C. Herndon et al. Defts.

The depositions of A. M. Bradwell taken before me
A. Y. Burrows a notary public
in and for the County of Knox
and State of Tennessee, pursuant
to notice hereto annexed at the
office of said George, W. M. Millan
& Company at 402 Gay street in the
city of Knoxville in the said County
& State, on the 1st day of February
1894 to be read as evidence in be-
half of said George W. M. Millan & Co.
in a certain suit in Chancery now
pending in the Circuit of the
County, Virginia, wherein W. M. C.
Herndon, John D. Herndon, Carter
Herndon, David P. Parsons, W. M.
Thaddeus and John C. Stapleton
are defendants and S. H. George,
John A. W. Millan & A. M. Bradwell
are plaintiffs

The witness A. M. Bradwell
being duly sworn deposes as
follows to wit:

Ques 1st Please state your name

age, residence & occupation
Ans. A Mr. Chreadwell Thirty Nine Knoxville.
Term. Wholesale Notions.

Ques. Is or not the deft. H. C. Henderson
indebted to the plaintiffs in this
suit: and for what?

Ans. Yes as per invoice attach marked X &
filed as part answer to this question

Ques. 3. What is the amt. of said in-
debtedness, and when did or
will it become due?

One Hundred Sixty & $9\frac{20}{100}$ ^{dollars} (\$160 $\frac{20}{100}$) Ninety eight-
& $\frac{20}{100}$ ^{dollars} (\$98 $\frac{20}{100}$) of which sum was purchased by
defendant - W. B. Henderson from said Plaintiffs
on July 11th 1893. & due & payable Nov 1st 1893
& Sixty Two & $7\frac{20}{100}$ ^{dollars}, remainder of said sum
\$160 $\frac{20}{100}$ was likewise purchased ^{by said} by W. B. Henderson
from said Plaintiffs on Oct-30th 1893 which
sum will become due & payable March 1st 1894.

Ques. 4 How were said purchases made
in person or on order?

Ans. were made in person.

Ques. 5 Are said sums of money still
owing to said plaintiff?

Ans. They are.

Ques. At the time, the said purchases
were made, did said H. C. Henderson
or not represent himself the
owner in

owner of any real estate. if
no where and how much?

~~When said in City Knoxville~~

When said Hendrix was in City Knoxville
on or about - July 11th 1893 he represented to
me that he was the owner in Lee County
Va a large boundary of Land & I believed him
to be the owner of said land untill Nov 18th
1893 when we were informed by an atty:
in Lee Co that said Hendrix on March 14th
had conveyed to one David P. Parsons, a greater
portion of said land. at-time said sales
were made to said Hendrix. said Plaintiffs
had no notice or intimation of the existence
of said deed of conveyance of Mar: 14th 1893
to said Parsons. & at-that time they believed
him to be the owner of said land which
he represented himself to own

Ques. 7 What was your connection
with said plaintiffs at the
time said goods were sold to
said Hendrix?

I was at-that time a Partner & for the
firm looked after the assets & Liabilities of Customers
of said Plaintiffs

Ques. 8 Had you known or had any idea
of the existence of said deed of
March 14th 1893 & mentioned in said

bill of said plaintiff, would raise
or not extended to said Herndon
credit, and sold him said goods
mentioned in exhibit "X" filed
with your depositions.

Ans.

I would not

And further this deponent
saith not.

A. M. Chadwell

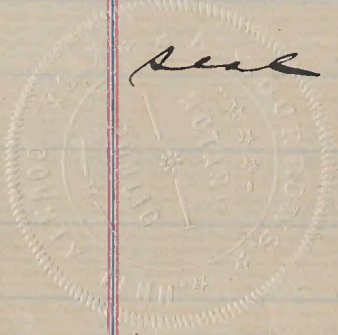
~~Sumner~~

County of Knox, to wit:

I A. J. Burrows a notary
public for the County of Knox
in the said State do hereby certify
that the foregoing depositions of
A. M. Chadwell were duly taken
sworn to and subscribed before me
at the time & place and for the
purposes mentioned therein.

Given under my hand and
seal this the 1st day of February, 1874.

A. J. Burrows, Notary Public



George M. Millan & Co

AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Wm Woodward

David P. Parsons and John C. Stapleton

of February 1894 Take notice that on the 12th day

at 40 1/2 Pop Street in the City of Memphis Tenn at the office of George M. Millan & Co

County, State of Tennessee I will proceed to take the deposition of J. H. George J. H. McMillan

as follows to be read as evidence on behalf of J. H. George J. H. McMillan

D. M. Bradwell partners in business under the

style name of George M. Millan & Co

in a certain suit in Equity now pending in the Circuit Court of Lee

County, State of Virginia wherein said George M. Millan & Co are

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said deposition is not begun on that day, or being begun not complete, the same will be

continued from day to day or from time to time and if desired from place to place, until the same are complete. You

may attend and cross-examine if you wish.

January 4 1894

Very Respectfully, George M. Millan & Co

for Partridge Bros

Counsel

H.C. - London

George M. Miller & Co.

AGAINST

W. C. Herndon et al

To W. C. Herndon. Larkin Herndon. John P. Herndon Win Woodward

David P. Parsons and John C. Stapleton

Take notice that on the 1st day

of February 1894

at the office of George M. Miller & Co.

County, State of Virginia

I will proceed to take the deposition of S. H. George

to be read as evidence on behalf of

S. H. George, J. A. M. Miller & Co.

A. M. Broadwell partners doing business under the style name of George M. Miller & Co.

in a certain suit in Equity

now pending in the Court of Lee

County, State of Virginia wherein said

George M. Miller & Co. are

Plaintiff and you and each of you are Defendants And if from any

cause the taking of said deposition

not begun on that day, or being begun not complete, the same will be

continued from day to day or from time to time and if ~~it is~~ place to place, until the same are complete. You

may attend and cross-examine if you wish.

January 4 1894

Very Respectfully,

George M. Miller & Co.

per Pennington Bros.
Cornish

George W. Milburn & Co
no to be
vs } Dep.

W. C. Huntington et al

Executed on the 12th day of
January, 1894 by delivering
a copy of the within notice
to each of the following named
persons, to wit: John P. Hen-
dri, Luther Sherrard, Wm.
Woodward, David C. Parsons
& John C. Stapleton

W. C. Huntington

Virginia, Lee County, to wit:

The foregoing
return signed by Wm. C.
Huntington was this day
sworn to by him before me
in my county aforesaid.
Given under my hand
this Jan. 13th 1894.

E. W. Pennington
Notary Public

Knoxville, Tenn., July 11 1892

Wm. C. Herndon & Co. Cynthia 7a

S. H. GEORGE.
A. M. TREADWELL.
JOHN A. McMILLAN.

Bought of **GEORGE, McMILLAN & CO.**

WHOLESALE

Interest charged after Maturity.

Notions and Staple Dry Goods,

Terms:.....

196, 198 AND 200 GAY STREET.

172	3	J. J. J. J. J.	9 ⁰⁰	27		
350	2		12 ⁰⁰	24		
5206	1			15		
	4	200 yds King's Thread	25	100		
	4	500	50	2		
	10	Parkers	18	180		
	1	Barbours		40		
	1	Leaver		75		
	1	Long Sack		45		
	10	Spool Thread	45	450		
	4	1/2 hose	40	160		
504	3	. . . . .	65	195		
Premium	3		75	225		
410	1			75		
777	3		125	375		
	1 1/2	hair Pins	60	115		
380	1	Eds house		75		
808	1			75		
	1	Gr Dress Bkts		75		
	1	Coat		50		
3211	1	Suspenders		2		
1274	1	Shorts		450		
					Case & Dray	98 20
October 30 1893						
400	1/2	J. Laund. Shirts	9 ⁰⁰	450		
300	1/2	. . . . .	6 ⁵⁰	975		
700	1/2	. . . . .	9 ⁰⁰	450		
500	1/2	. . . . .	9 ⁰⁰	450		
204	1	overshirts		6		
536	1	. . . . .		4		
107	1			250		
1250	1			6		
1304	1			9		
23	2	reshirts	35	70		
B.S.	1			2		
SB930	1	Braces		600		
600	1	Eds house		2		
8043	1	H & Kfs.		75		
					Can Dray	62 70
					Notion for Count Cards 3 ⁰⁰	350
						164 40

75cts

George McMillen & Co
vs Depositions

W. L. Herndon

Received by mail Feby
the 6th in good order and
filed this the 6th 1894

A. B. Munnay Clerk

Fee of Notary for
Taking these
Depositions \$5.00

A. Y. Burroughs
Notary Public

Virginia, Lee County, to wit:—

This day E. W. Huntington agent for
S. H. George John, A. M^c. Miller, & A. M. Readwell.
partners in trade under the style & firm of George M^c. Miller & Co
plaintiffs in a certain chancery cause now pending in the circuit
court for Lincoln county against W. C. Herndon it at to re-
cover a certain debt from said Herndon; personally appear-
ed before me A. G. Hyatt a notary public in and
for the said county of Lin & State of Vt^a and in
my county aforesaid and made oath that. 1st-he verily
believes the said plaintiffs claim is just, 2nd that
he believes the said plaintiff is entitled to and ought
to recover at least in the said suit against said Her-
ndon a debt for the sum of \$898.20 from Nov. 1st 1893. and acc-
\$62.70 from Dec. 30 1893 + 10c x 48.48 from Dec. 1st 1893 and all interest thereon
~~from~~ 3rd that to the best of the affiant's
belief said W. C. Herndon is not a resident of the state
of Vt^a but has effect therein in the county of Lin
4th that said Herndon has converted, is converting,
is about to convert his property or some material
part thereof into money securities & evidences of debt with the
intent to hinder, defraud, & delay his creditors, & 5th that
said Herndon has assigned & disposed of & is about to
assign & dispose of his estate or some part thereof with the
intent to hinder, defraud & delay his creditors & especially
George M^c. Miller & Co Given under my hand this Dec-
1893.

U. G. Cooper, N. S.

George W. Miller & Co

V.S. { Affidavit

M. W. Munson (3)

Filed Dec 7th 1894

A B Munsey clerk

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

W. C. Herndon

Jarvis Herndon, John P.
Herndon, David P. Parsons
William Woodwards, and
John C. Stopheton.

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
for the said Court on the 10th Monday in January, 1894, to
answer a bill in Chancery, exhibited against ~~them~~ in our said court by

J. H. George, John H. McMiller
J. H. Broadwell partners in trade
under the style & name of George,
McMiller & Co.

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the

court-house, the

8

day of

Dec

1895,

and in the

year of the Commonwealth.

A. B. Munsey

Clerk.

The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No 25-163.

Ans Murray

George McMillen & co

vs. }

SUBPOENA
IN CHANCERY.

W. C. Herndon et als

Pennington Prop. q.

To *1st January* 1894 Rules,
Circuit Court.

Executed Dec, 3 1883 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larken Herndon, John C. Stapleton, Wm. Woodward and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows: all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Lawsons land thence with his lines and corner to the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and embraces that land described in deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed No 25-163.

L. B. Murray, J. C.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

William C. Alexander
Spencer Alexander, John P.
Alexander, David L. Parsons
William Woodward and
John W. Stoughton

to appear at the Clerk's Office of the Circuit Court of the County of Lee, at the rules to be held
 for the said Court on the *10th* Monday in *June*, 189*4*, to
 answer a bill in Chancery, exhibited against *them* in our said court by

S. S. George, John A. M. Miller
and A. M. McDowell, partners in
trade under the style & firm of
George M. Miller & Co.

And have then there this writ.

Witness, A. B. MUNSEY, Clerk of our said Court, at the
 court-house, the *8* day of *Dec*, 189*4* and in the *118*
 year of the Commonwealth.

*A Copy Teste**A B Munsey Clerk**A B Munsey* Clerk.

The proper affidavit having been made and filed the officer executing this summons is directed to attach the following real estate of W. C. Herndon, all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner of Wm. Woodard, and embraces that land described in deed the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and which is recorded in Deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed Book No. 25-163.

A. B. Munsey Clerk

vs.

**SUBPOENA
IN CHANCERY.**

p. q.

To

Rules,

Cirerit Court.

Executed Dec., 1883 by delivering an office copy of the within subpoena in chancery and attachment to John P. Herndon, Larken Herndon, John C. Stapleton, Wm. Woodard and David P. Parsons and not executed as to W. C. Herndon also by attaching on the following real estate of W. C. Herndon described as follows: Beginning at a stake on the North all of which lies in Lee Co., Va., in the Craborchard consisting of two tracts, the first of which is now in the hands of David P. Parsons and bounded as follows to-wit: Beginning at a stake on the North bank of the North Fork of Powell's river at the mouth of Reed's creek; thence eastwardly with the meanderings of the said river to the McCradia line, thence N. 38 W. --- po to a gum 2 chestnuts and a spanish oak corner to A. J. Bailey's land, and with lines of same N. 24 W. 28 po, to a White oak and Chestnut, thence N. 35 W. 42 po, to 3 White oaks, thence N. with Parker's line to Jones creek, and with said creek to Joseph Marcum's corner, thence Southwardly with said Marcum line to A. K. DeBusk's corner, thence with his several lines and corners to Alfred Johnson's land formerly Samuel Parson's land, thence with lines and corner of said Parson tract to James Quillen's land, thence with his lines and corner to Mathew Zion land, thence with his lines and corner to Wm. Woodard, and embraces that land described in deed the beginning. The 2nd of which tracts is now in the hands of Wm. Woodard, and which is recorded in Deed of July 20th 1889 of Larkin Herndon and John B. Pennington to said W. C. Herndon and which is recorded in Deed No. 25-163.

In the Clerk's Office of the Circuit Court of the County of
Lee on the *1st* day of *January* 1894.

against *George McMillen & Co*

Plaintiff

In Chancery

W. C. Herndon et al

Defendant

The object of this suit is to 1st to set aside and annul the deed of W. C. Herndon his wife to David P. Parsons dated March 14th 1893; 2nd to set aside and annul the deed made by W. C. Herndon & wife to J. M. Woodward dated Novr 10th 1893; 3rd to annul the transfer of goods & chattels made by W. C. Herndon to John P. V. Larkin Herndon on or about Novr 10th 1893 and 4th that a judgment be given in favor of the Plaintiff against the defendants for the amount mentioned in the bill & the same be satisfied out of the said property thereby recovered. And an affidavit having been made and filed that the defendants *W. C. Herndon and*

Cynthia Herndon are not a resident of the State of Virginia, it is ordered that *he* do appear here, within *fifteen days* after due publication hereof, and do what may be necessary to protect *his* interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the *Lee County Republican*, and that a copy be posted at the front door of the court-house of this *County* on the first day of the next term of the *County* Court.

A copy—Teste:

Pennington Bros p. q.

A. B. Munsey Clerk.

George Millan & Co

vs. }

ORDER OF
PUBLICATION.

W. L. Herndon et al
I A. B. Munsey clerk of
the circuit court of
Lee County do certify
that I delivered the
within order to the
Lee County Republican
for publication and
posted a copy thereof
at the front door of
the court house at the
January Term 1894 of
the county court
A. B. Munsey clerk

In the Clerks Office of the Circuit Court of the county of Lee on the 1st day of January 1894.

George McMillen & Co. Plff

against

W. C. Herndon et al. Deft.

In Chan'y

The object of this suit is to 1st to set aside and annul the deed of W. C. Herndon and wife to David P. Parsons dated March 14th 1893; 2nd to set aside and declare void the deed made by W. C. Herndon and wife to Wm Woodward dated Nov. 10th 1893; 3rd to annul the transfer of goods and chattels made by W. C. Herndon to John P. and Larkin Herndon on or about Nov'r 10th 1893; and 4th that a judgment be given in favor of the plffe against the defts for the amount mentioned in the bill and the same be satisfied out of the said property thereby conveyed.

And an affidavit having been made and filed that the defendants W. C. Herndon and Cynthia Herndon are not a resident of the State of Virginia, it is ordered that he do appear here, within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Lee County Republican, and that a copy be posted at the front door of the court house of this county on the first day of the next term of the county court.

A copy--Teste:

A. B. Munsey Clerk

Pennington Bros. p q

M. P. Dryden & Sons pub

isher of the LEE COUNTY REPUBLICAN a weekly newspaper, published in the town of Jonesville, county of Lee, and State of Virginia, do hereby certify that the foregoing Order of Publication was duly published in the above named paper for four successive weeks, ending the

1st day of Febr 1894.

per Sam L. Dryden

Publisher, LEE COUNTY REPUBLICAN